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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 MIKE GELLER AND MIKE YARBROUGH)
AS TRUSTEES OF THE INTERNATIONAL)
11 BROTHERHOOD OF ELECTRICAL)
WORKERS LOCAL 302 HEALTH AND)
12 WELFARE AND PENSION TRUST FUNDS,)

13 Plaintiffs,

14 vs.

15 ACS CONTROLS CORPORATION,
a California Corporation,

16 Defendants.
17

CASE NO.: C08-00351 PVT

REQUEST FOR
DISMISSAL OF
ENTIRE ACTION

18 Comes now the Plaintiffs MIKE GELLER AND MIKE YARBROUGH AS TRUSTEES
19 OF THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 302
20 HEALTH AND WELFARE AND PENSION TRUST FUNDS in the above-entitled action and
21 hereby dismiss the entire action without prejudice as to every party.

22 No answer has been filed in this matter. The defendant has paid all monies requested in
23 the complaint for March through July 2007 and October and December 2007. This dismissal

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1 specifically does not waive the right of the Trust Funds to audit the employer for the above time
2 period, or any other time period, and to collect any additional monies found to be delinquent as
3 a result of an audit through a subsequent legal action.

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5 Dated: February 20, 2008


SUE CAMPBELL
Attorney for Plaintiffs

PROOF OF SERVICE BY MAIL

I, the undersigned, say:

That I am now and at all times herein mentioned a citizen of the United States, over the age of eighteen years, a resident of Santa Clara County, California, and not a party to the within action or cause; that my business address is 1155 North First Street, Suite 101, San Jose, California; that I served a copy of the attached REQUEST FOR DISMISSAL OF ENTIRE ACTION by placing said copy in an envelope addressed to

ACS CONTROLS CORPORATION
a California Corporation
5844 Price Avenue
McClellan, CA 95652

which envelope was then sealed and, with postage fully prepaid thereon, was on February 20, 2008, deposited in the United States mail at San Jose, California; that there is delivery service by United States mail at the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 10, 2008, at San Jose, California.


CHRISTINE DELGADILLO